

2008 Virginia Women in History

CONSTITUTIONAL DEMOCRACY IN ACTION: JUDGE LACY AND *WILKINS V. WEST* (2002)

CONCEPTS EXPLORED:

- *Equality under the law*
- *Due process*
- *Apportionment*
- *Gerrymandering*
- *Race and Politics*
- *Political Parties*

RESEARCH AND DISCUSSION QUESTIONS:

- Summarize the Court's decision in the matter of *STANDING* in *Wilkins v. West*. What legal principles informed their reasoning?
- What was the basis of the complainants' claim that the redrawn electoral districts were not **COMPACT AND CONTIGUOUS DISTRICTS**? How did the Court decide in this portion of the case and why?
- Discuss the history of electoral politics and race, both nationally and within Virginia, dating from the ratification of the Fifteenth Amendment to the present. Why was race an issue in the designation of electoral districts? Provide the students with electoral maps of Virginia that depicts districts for the House of Delegates and the Virginia Senate. Compare that to a map depicting population demographic and political affiliation. Ask student analyze patterns in the individual maps, then to consider those map together. What patterns appear? What conclusions can be reached about race and political viewpoints?
- Have students define gerrymandering and consider the claim in this case that the redrawn electoral districts represented racial gerrymandering. What motivations were attributed to members of the Republican Party? How is race factored into the electoral process? As outlined in the opinion in *Wilkins v. West*, what did the Court consider an appropriate use of race in determining electoral districts? Why is this important?

ACTIVITIES:

Debate and/or Trial Reenactment:

Divide students into three groups, complainants, defendants, and judges of the Virginia Supreme Court. Have them reenact the *Wilkins* appeal, requiring each side to state and rebut the key arguments in the case. Emphasis should be placed on giving clear explanations of the legal principles in the case and identifying their origins in American law.

Gerrymandering Activity:

This activity is designed to explore the practice of gerrymandering in American politics. The term "gerrymander" has its roots in a controversial legislative redistricting measure passed in Massachusetts in 1812. Pushed through under the leadership of Elbridge Gerry, then governor of Massachusetts and a signer of the Declaration of Independence, it created a new district that was so unusually curvy that observers humorously noted it resembled a salamander. The goal of the redistricting was to make sure that the Democratic-Republican party could maintain control of the Massachusetts State Senate. It was during that controversy that the word "gerrymander" was coined; it is a combination of

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Gerry's name and the word "salamander," and is pronounced with a soft "J" sound instead of the hard "G." Gerry's name has become forever linked with partisan redistricting.

Supplies:

- Handout – Gerrymandering Activity Map
- pencils

Divide the students into four groups of a manageable size. Assign a name to each group: Broccoli, Hamburgers, Green Peas, Pizza. Give each group two copies of the Gerrymandering Handout, one as a working draft and the other for their final submissions.

Instructions: There is a pending referendum in your county which will decide what the school cafeteria will serve for lunch for the rest of the year. Each team works for a company that sells a particular meal item. You are in charge of coming up with a system of electoral districts that guarantees that your company will win. A research group conducted surveys and has offered a prediction of potential voting patterns for the referendum. These patterns are reflected on the map (see the legend). Each mark represents 100 voters. Your task is to divide the settlement area into four districts, each with an equal number of voters. Your goal is to structure your districts in such a way that the outcome of the election will favor your company. To insure this, you will want to create districts that will favor your particular menu item. Use one of the maps as your drafting sheet. You will have to draw, count, and redraw your districts to achieve the desired outcome. Once you have designed a map to your team's satisfaction, draw those lines on the final map and assign a district number to each. The team that is able to insure the most votes for their company in the most district wins. (Consider timing the activity, allowing 15 minutes for final submissions.)

LEGEND:

There are a total of 88 marks on the map, so each district should consist of 22 total marks.

- Voting in favor of Pizza = RED diamonds (20)
- Voting in favor of Peas = BLUE circles (20)
- Voting in favor of Hamburgers = YELLOW squares (20)
- Voting in favor of Broccoli = GREEN triangles (20)
- Swing Voters (we don't know which way they will vote) = Empty circles (8)

GROUND RULES:

- All marks must be included in the districts.
- All districts must cover a "compact" district.
- The Filibuster River and Lake Incumbent represent natural divides. There is only one bridge over the river.

Post-Activity Analysis:

- What voting patterns did students notice on the map? Where were their clusters? How did the different groups deal with those clusters?
- What were the most unusual district structures? Why were they constructed in this fashion?
- What does this exercise reveal about the redistricting and gerrymandering? Suppose that instead of voting on school lunches, the referendum has a more significant outcome, such as determining the placement of a nuclear power plant or changes to the tax structure? How does party affiliation factor into redistricting?

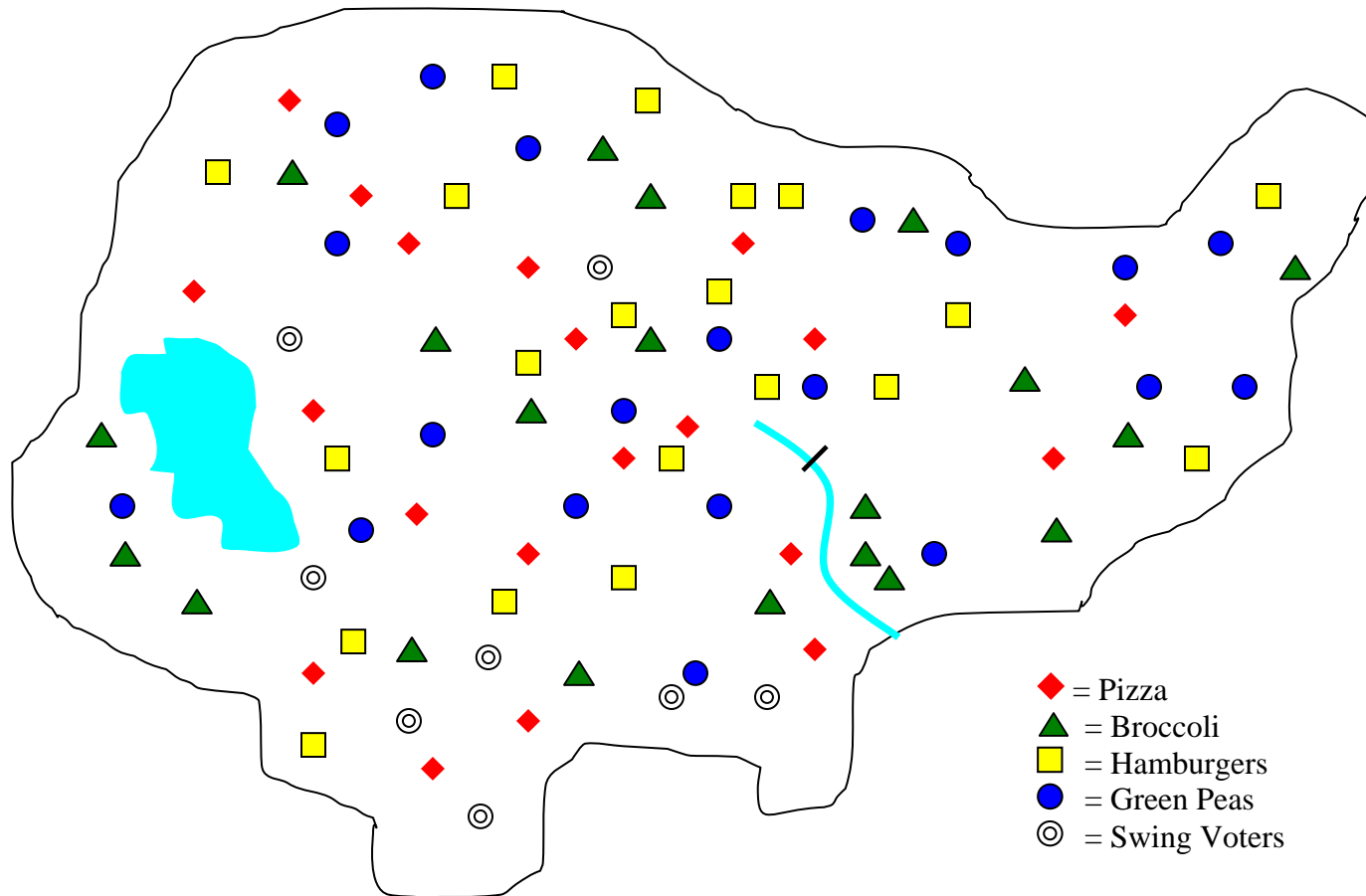
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- According to the language in the Constitution of Virginia, electoral districts must be compact and contiguous. Based on arguments presented in *Wilkins v. West*, what features on the landscape depicted in your map would cause a district not to be contiguous? Why?
- Just before the election, a news report comes out detailing an outbreak of mad cow disease among the district's beef cattle. Swing voters, influenced by the news, vote in favor of broccoli. How does that impact the outcome of the referendum? Could your team have made any changes to your districts that would have minimized the impact of swing voters?

For Further Study:

- Have students research gerrymandering practices with the Democrat Party in Virginia. How are Democratic uses gerrymandering practices similar to those of the Virginia Republican Party? How are they different?

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	District 1	District 2	District 3	District 4
Pizza				
Broccoli				
Hamburgers				
Green Peas				
Swing Voters				
TOTAL				

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